

# REPORT

**DATE:** May 8, 2008  
**TO:** Regional Council  
**FROM:** Rich Macias, Interim Director, Planning and Policy, 213/236-1805, macias@scag.ca.gov  
**SUBJECT:** Foothill Corridor South

**EXECUTIVE DIRECTOR'S APPROVAL:**

*[Signature]* for HI

## RECOMMENDED ACTION:

Authorize SCAG President to:

- 1) Respond to public comment opportunity by submitting letter of support of Transportation Corridor Agency (TCA) Foothill Transportation Corridor-South project to the U.S. Secretary of Commerce; and
- 2) Send letter to California US Senators and Congressional delegation alerting them to potential conformity implications if project is substantially delayed or not implemented.

Sample letters are attached.

## BACKGROUND:

The Transportation Corridor Agency (TCA) Foothill Transportation Corridor-South (FTC-S) project, the final 16 miles of 67 miles of toll roads in Orange County, has been a part of the SCAG Regional Transportation Plan (RTP) and designated as a Transportation Control Measure (TCM) since 1991. The project has been on the Orange County Master Plan of Arterial Highways since 1981. As a committed TCM identified in the South Coast Ozone State Implementation Plan (SIP) and part of the conforming SCAG RTP/RTIP, FTC-S must be implemented or another TCM project must be substituted to achieve equivalent emission reductions.

On February 6, 2008 the Coastal Commission considered TCA's application for a Coastal Consistency Certification. The project triggered federal consistency review because it requires a permit from the U.S. Army Corp of Engineers. The Coastal Commission voted against the project. TCA remains committed to completing this project and filed an appeal to the U.S. Secretary of Commerce, requesting that the Coastal Commission vote be overturned.

The appeal by TCA was filed on February 15, 2008, and notice thereof was published in the Federal Register on March 17, 2008. The public and federal agencies may submit comments on this appeal until May 28, 2008. Given the importance of the FTC-S project, SCAG seeks to submit a letter of support of the project to the U.S. Secretary of Commerce, in care of the National Oceanic and Atmospheric Administration (NOAA) who is handling the TCA appeal. A sample letter to NOAA is attached for the Regional Council's review and information. In addition, SCAG staff would like to send letters to U.S. Congress members apprising them of the FTC-S project and its potential conformity implications.

Under the federal Coastal Zone Management Act, the Secretary of the Department of Commerce has the authority to override the Coastal Commission's objection to the consistency certification if the Secretary

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finds that the Project is consistent with the objectives and purposes of the federal Coastal Zone Management Act or is necessary in the interest of national security.

SCAG is committed to working closely with TCA and other stakeholders to resolve the issues with this important project.

## **FISCAL IMPACT:**

Work associated with this task is included in the current year overall work program (08-025.SCGS1).

Reviewed by:

  
Division Manager

Reviewed by:

  
Department Director

Reviewed by:

  
Chief Financial Officer

May XX, 2008

NOAA Office of General Counsel for Ocean Services  
1305 East-West Highway, Room 6111  
Silver Spring, MD 20910

### Foothill Corridor South

The Southern California Association of Governments (SCAG) appreciates the opportunity to comment on the Transportation Corridor Agency (TCA) Foothill Transportation Corridor-South (FTC-S) project.

*SCAG supports implementation of the FTC-S as proposed by TCA, which would complete the final 16 miles of 67 miles of toll roads in Orange County, California.*

As discussed in more detail below, the FTC-S is an important part of both the regional transportation system and the air quality plan for Southern California.

### The Regional Transportation Plan

*The FTC-S is an important component of the 2008 Regional Transportation Plan.*

SCAG is the designated Metropolitan Planning Organization (MPO) for six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 187 cities. SCAG is the largest regional planning organization in the United States, encompassing a population of more than 18 million in an area of more than 38,000 square miles. SCAG's 76 member governing board, the Regional Council, conducts the affairs of SCAG.

As the designated MPO under federal law and the Regional Transportation Planning Agency (RTPA) under state law, SCAG is responsible for preparing, adopting and updating the Regional Transportation Plan (RTP). The RTP presents the long-term transportation vision for the Southern California region and provides a long-term investment framework for addressing the region's transportation and related challenges. The 2008 RTP is the

culmination of a multi-year effort focusing on maintaining and improving the transportation system through a balanced approach that considers system preservation, system operation and management, improved coordination between land-use decisions and transportation investments, and strategic expansion of the system to accommodate future growth through the year 2035.

The FTC-S is an important component of the 2008 RTP. FTC-S is critical to relieving existing and future congestion on I-5 in southern Orange County, the lone north-south route between Los Angeles and San Diego. Existing traffic on this portion of I-5 is dominated by gridlock conditions during both weekdays and on weekends.

#### Transportation Control Measures

*As a Transportation Control Measure (TCM) and part of the conforming RTP, FTC-S must be implemented or another TCM project must be substituted to achieve equivalent emission reductions.*

As the designated MPO, SCAG is responsible for determining conformity of transportation projects, plans and programs to the State Implementation Plan (SIP) pursuant to the federal Clean Air Act. A component of conformity is to ensure timely implementation of TCMs.

TCMs are defined in U.S. Environmental Protection Agency's Transportation Conformity Rule as strategies that adjust trip patterns or otherwise modify vehicle use in ways that reduce air pollutant emissions as part of the overall control strategy to demonstrate the region's ability to come into attainment with the National Ambient Air Quality Standards.

The Transportation Conformity Rule also defines the criteria and procedures for timely implementation of TCMs. It is SCAG's responsibility to ensure that TCM strategies are funded in a manner consistent with the implementation schedule established in the Regional Transportation Improvement Program (RTIP) at the time a project is identified as a committed TCM. If the implementation of a TCM strategy is delayed, or if a TCM strategy is only partially implemented, the emission reduction shortfall must be made up by either substituting a new TCM strategy or by enhancing other control measures through the formal TCM substitution process specified in the Clean Air Act and SAFETEA-LU.

If conformity cannot be found because the TCM is not implemented and not substituted, then no new projects or changes to projects can be amended into the RTIP or RTP during a one-year grace period. If conformity is not demonstrated after the grace period, then no project can

proceed other than exempt projects (e.g., safety projects and TCMs) regardless of funding source. This means that even projects funded solely with local monies would be held up until the conformity issue is resolved.

As a case in point of the consequences of a conformity lapse, in the late 1990's, Atlanta, Georgia was not able to proceed with projects for several years until the issues with their conformity lapse were resolved.

The TCA FTC-S project has been a part of the SCAG RTP and designated as a TCM since 1991. As a TCM identified in the South Coast Ozone SIP and part of the conforming SCAG RTP, FTC-S must be implemented or another TCM project must be substituted to achieve equivalent emission reductions.

#### Next Steps

*SCAG is committed to work closely with TCA and other stakeholders to resolve the issues with this important project.*

SCAG is proceeding with analytical work to determine the emissions benefits of FTC-S. SCAG is committed to work closely with TCA and other stakeholders on this important project, and staff is available to provide relevant technical information and policy analysis.

Please contact Mr. Hasan Ikhata, Executive Director, at (213) 236-1944 for further information.

Sincerely,

Gary Ovitt  
President  
Southern California Association of Governments

May XX, 2008

U.S. Senators  
Congressional Delegation

### Foothill Corridor South

The Transportation Corridor Agency (TCA) Foothill Transportation Corridor-South (FTC-S) project, the final 16 miles of 67 miles of toll roads in Orange County, California, has been a part of the Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP) and designated as a Transportation Control Measure (TCM) since 1991. The project has been on the Orange County Master Plan of Arterial Highways since 1981. As a committed TCM identified in the South Coast Ozone State Implementation Plan (SIP) and part of the conforming SCAG RTP/RTIP, FTC-S must be implemented or another TCM project must be substituted to achieve equivalent emission reductions.

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SCAG supports implementation of the FTC-S as proposed by TCA. As discussed in more detail below, the FTC-S is an important part of both the regional transportation system and the air quality plan for Southern California. SCAG has submitted a comment letter making these points to the National Oceanic and Atmospheric Administration (NOAA) who has certain CMZA responsibilities delegated by the U.S. Secretary of Commerce, and is alerting you of the implications of delaying or cancelling this project.

## The Regional Transportation Plan

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Gary Ovitt  
President  
Southern California Association of Governments

SAMPLE

DOCs #145712